

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

No. 7:14-CV-270-__

)
ALAN TROY, ADMINISTRATOR OF THE)
ESTATE OF DARLENE MAYBANKS)
TROY,) NOTICE OF REMOVAL
Plaintiff,) AND SUBSTITUTION
)
v.)
)
SARAH PATTON TOWNE, DO, ERIN D.)
WILLIAMSON, FNP, and CAROL A.)
FLAUGHER, WHNPC.)

Defendants.

The United States of America, by and through the United States Attorney for the Eastern District of North Carolina, on behalf of Erin D. Williamson, Family Nurse Practitioner and Carol A. Flaughher, Women's Health Nurse Practitioner at New Hanover Community Health Center, Inc., Wilmington, North Carolina, acting in their official capacities, hereby states as follows:

1. On September 10, 2014, Plaintiff, Alan Troy, Administrator of the Estate of Darlene Maybanks Troy, filed a Complaint in the Columbus County Superior Court, naming Erin D. Williamson and Carol A. Flaughher as defendants in a suit alleging wrongful death resulting from allegations of medical negligence. A copy of the Complaint is attached. Plaintiff also named as a defendant Sarah Patton Towne, DO. The United States does not represent defendant Towne.

2. Because two named defendants, Williamson and Flaughier, are deemed to be federal employees of the U. S. Government for purposes of the Federal Tort Claims Act, and at all times relevant to the Complaint were acting in the course and scope of their employment, and because the claim in this action is for a tortious action, the exclusive remedy for this action is pursuant to the Federal Tort Claims Act, 28 U.S.C. § 2671 et seq. See 28 U.S.C. § 2679; 42 U.S.C. § 233(a)and (g). Filed herewith is the Certification of Scope of Employment and Substitution of the United States, pursuant to 28 U.S.C. § 2679.

3. The United States gives notice that this entire matter is hereby removed from state court to the United States District Court for the Eastern District of North Carolina and the division embracing Columbus County, North Carolina, pursuant to 28 U.S.C. § 1442.

WHEREFORE, United States of America shows that the action now pending in the Columbus County Superior Court, North Carolina, is removed therefrom to this Court. It is further requested that the court caption of this case to reflect that the United States of America is substituted as defendant for Erin D. Williamson and Carol A. Flaughier.

Respectfully submitted this 19th day of November, 2014.

THOMAS G. WALKER
United States Attorney

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CERTIFICATE OF SERVICE

I do hereby certify that I have this 19th day of November, 2014, served a copy of the foregoing upon the below listed party electronically using the CM/ECF system or by placing a copy of the same in the U.S. Mail, addressed as follows:

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The Young Law Firm, PC
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Wilmington, NC 28405

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